

April 7, 2006

National Organic Standards Board  
c/o Katherine Benham  
Room 4008-South Building  
1400 and Independence Avenue, SW  
Washington, D.C. 20250-0001

Dear National Organic Standards Board,

I respectfully submit my “personal” comments in support of the continued use of flavors in section 205.605(a) of the National List.

For those who don’t know me, my name is Kim (Burton) Dietz and I have been actively involved in the organic “handling” industry since the early 1990’s serving as OTA’s Chair of the MPPL (Manufacturing, Processing, Packaging, and Labeling) Committee through the drafting of the American Organic Standards and the NOP’s first proposed rule. I was appointed to the National Organic Standards Board as “handler” representative from 2000 – 2005. During my term on the NOSB I was a member of handling committee, chaired the Materials Committee and served as Secretary to the NOSB.

The NOSB sought additional public comment on flavors because there was one comment received stating that they was added to the National List without a technical review by the NOSB. I’m providing historical data below to show that flavors went through a public comment process, a board review, and a technical review

**History of Flavors;**

- Flavors were finally adopted by the NOSB on October 31, 1995 in Austin, Texas. See final addendum Number 14 – “The use of Natural Flavors in Organic Foods” located on NOP website – (<http://www.ams.usda.gov/nosb/archives/nationallist/addendum14.html>)
- Minutes from the October 31, 1995 (page 6, line 170-180, Use of Natural Flavors in Organic Foods)

170      *Use of Natural Flavors in Organic Foods (Proposal #2).*

171      It was noted that the original draft of this document went out for public comment and has been  
172      responded to. It was also stated that the intent of this document is to prohibit propylene glycol  
173      and artificial preservatives. This document differs from the previously submitted Committee  
174      recommendation in that this recommendation clearly delineates separate guidelines for “organic  
175      foods” and “foods made with organic ingredients”. Gene went on to describe his research on  
176      flavor houses, and his findings show that there are no flavor houses currently producing organic  
177      natural flavors, but one is starting to carry some with no synthetic carriers, solvents, or  
178      preservatives. He cited competitive market forces in the industry as future incentive for the  
179      production of organic natural flavors. Rod moved and it was seconded by Gene to accept the  
180      revised recommendation as a BFR. Vote: Motion carried unanimously.

- At the time of the review for flavors the technical Advisory Panel included- see below (Minutes from the October 31, 1995 (page 1, line 12-14)

171      The Technical Advisory Panel Coordinator present at the start of the meeting was Zea  
172      Sonnabend. John Brown was expected to arrive later, along with advisors Rich Theuer, Lynn  
173      Coody, Brian Baker, and Bill Wolf.

- At the meeting Mr. Hankin, USDA Staff, encouraged the board to utilize the materials experts at the meeting to supplement data gaps in the review of materials. (Minutes from the October 31, 1995 (page 2, line 52-56)

49      Next, Hankin reported on the status of the proposed rule. The second draft of the Accreditation  
50      portion of the program was recently delivered to the Office of General Counsel (OGC). He then  
51      went on to announce that the accreditation program will be published along with the other  
52      sections of the program. In closing, Hankin urged the Board to make recommendations on the  
53      materials that are up for review, and to avoid tabling materials. He went on to encourage the  
54      Board to utilize the materials experts at the meeting (i.e., Zea Sonnabend, Lynn Coody, Brian  
55      Baker, Tom Tomas, John Brown, and Rich Theuer) to supplement data gaps in the review  
56      notebooks.

Please feel free to contact me if you have any questions.

Kim Dietz  
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or  
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## National List Recommendations -- 1995

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### **NATIONAL ORGANIC STANDARDS BOARD FINAL RECOMMENDATION ADDENDUM NUMBER 14 THE USE OF NATURAL FLAVORS IN ORGANIC FOODS**

Date adopted: October 31, 1995

Location: Austin, Texas

#### **Introduction:**

The Committee has debated the issue of the use of natural flavors as ingredients in organic foods. The focus of the debate has been whether natural flavors, with certain constraints, are appropriate for use in "organic foods" (95%-100% organic ingredients) or whether natural flavors should be restricted to use in foods "made with organic ingredients" (50%-95% organic ingredients) only.

Natural flavors are materials which are comprised of flavor compounds derived from natural (non-synthetic) bases (typically botanicals such as herbs, spices, fruits or compounds derived from fermentation), a carrier (ethanol, propylene glycol, etc.), and agents which help preserve the natural flavors (glycerin, acetic acid, etc.). The natural constituents included in the natural flavor are extracted using a number of natural and synthetic solvents. The solvents may be alcohols, ethyl acetate, hexane or acetone and are chosen based on their physical and chemical properties and their ability to extract the desired natural constituent. The solvents are removed by evaporation with the final flavor compounds including trace amounts of the solvents (typically <10ppm). The number of flavor compounds comprising natural flavors vary, but may number up to 100 or more.

Natural flavors are used in very small amounts (approximately .05-.40%) to boost the flavor profile in products which, because of functional or economic necessity, require less than optimal amount of foodstuff necessary to give the finished products the required flavor profile. They are widely used in dairy products, baked goods, and juice products, as well as in other foods.

#### **Recommendation:**

Upon implementation, all manufacturers will be required to have certification from the producers of the natural flavors that,

#### **For "organic foods" (95%-100% organic ingredients):**

1) All of the flavor constituents used in the natural flavor are from natural sources and have not been chemically modified in a way which makes them different than their natural chemical state.

2) The natural flavor has not been produced using any synthetic solvent and carrier systems or any artificial preservatives.

#### **For "foods made with organic ingredients" (50%-95% organic ingredients):**

